

26 September 1988

MEMORANDUM FOR: U.S. Department of Agriculture
Office of Security
Room 212A Administration Building
14th & Independence Ave., S.W.
Washington, D.C.

Attention: William Nolan

SUBJECT: Clarification of Form 4193 and Equivalent
SCI Nondisclosure Agreements

FROM:

Chief, Special Security Center

On 28 July 1988, the United States District Court for the District of Columbia issued its decision in the cases of National Federation of Federal Employees v. United States, et al., Civil Action No. 87-2284-OG, and American Federation of Government Employees v. Garfinkel, et al., Civil Action No. 87-2412-OG, which challenged the constitutionality and legality of Form 4193, the "Sensitive Compartmented Information Nondisclosure Agreement." Essentially, the decision upheld the Government's use of the Form 4193 as both constitutional and legal. However, the Court has required the Government to clarify the scope of the term "classifiable" as used in the Form 4193 (and any equivalent SCI nondisclosure agreement) by defining the term in an appropriately limited manner and informing, within 30 days, all current U.S. Government employees who have signed such agreements of this clarification. I have enclosed copies of this clarification for your convenience.

Please take steps necessary to provide all of your current employees who signed a Form 4193, or equivalent SCI nondisclosure agreement that contains the term "classifiable," with a copy or facsimile of the enclosed clarification no later than 22 October 1988 in order to comply with the Court's order.

For your information, the enforcement of all other aspects of the Form 4193 and equivalent SCI nondisclosure agreements is not affected by the notice requirement pertaining to the term "classifiable."

Enclosure